

BOARD OF SUPERVISORS' MEETING
PLANNING AND ZONING AGENDA
May 4, 2016

CONSENT AGENDA

1. Title: The Hollows
Case #: **S2014011**
Supervisor District: 1
Applicant/Owner: Kelly Shepard / Hollows Holdings LLC
Request: Final Plat consisting of 16 lots and 7 tracts in the R1-35 RUPD zoning district

Site Location: Approximately at the northeast corner of Riggs Rd. and 182nd St. alignment in the Queen Creek Area

Staff
Recommendation: Approve
2. Title: Southern Comfort Estates, LLC
Case #: **Z2015097**
Supervisor District: 4
Applicant/Owner: Adam Baugh, Withey Morris, PLC / Southern Comfort Estates, LLC
Request: Special Use Permit (SUP) for an agriculturally related facility in the Rural-43 zoning district

Site Location: Generally located at the northeast corner of Southern Ave. and 231st Ave.

Commission
Recommendation: On 4/7/16, the Commission voted 8-0 to recommend **approval** of **Z2015097** subject to conditions 'a' – 'k':

Provided the following conditions are met:

- a. Development and use of the site shall comply with the site plan entitled "Agricultural Workshop Facility – Z2015097", consisting of one (1) full-size sheet, dated February 18, 2016, and stamped received February 23, 2016, except as modified by the following conditions.
- b. Development and use of the site shall comply with the narrative report entitled "Southern Comfort Estates, LLC – Special Use Permit Request", consisting of six (6) pages, dated revised February 19, 2016, and stamped received February 23, 2016, except as modified by the following conditions.
- c. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, inactivity for a period of 90 or more consecutive days, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- d. The applicant/owner shall submit a written report outlining the status of the development at the end of 5 years from the date of approval by the Board of

Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved conditions.

- e. The following Engineering conditions shall apply:
 - 1. Turn blocks shall be provided in the screen walls within retention basins from finish grade to water surface elevation. The screen walls must allow water to freely flow through to equalize water surface elevations on both sides.
 - 2. The Conic Frustum method for retention calculations must be used. Retention basins are not symmetrical to warrant the average end area method, which over estimates the volume.
- f. The following MCDOT condition shall apply:
 - 1. Any construction (driveway, utilities, etc.) within the Southern Avenue right-of-way will require a City of Buckeye Right-of-Way Permit during the Building Permit review process. Please refer to the City of Buckeye for right-of-way dedications. MCDOT review shall require a City of Buckeye Approval Letter for work in the right-of-way during the Building Permit review process.
- g. The following MCESD condition shall apply:
 - 1. A Notice of Intent to Discharge permit is required prior to construction permit issuance.
- h. All outdoor lighting shall conform to the Maricopa County Dark Sky Ordinance at time of permit. Future changes to outdoor lighting shall comply with City of Buckeye Dark Sky standards.
- i. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- j. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- k. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not

reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

3. Title: PHO Sun Lakes
Case #: **Z2015057**
Supervisor District: 1
Applicant/Owner: Michelle Dahlke, Shaw and Associates / Sun Lakes Home Owners Association
Request: Special Use Permit (SUP) for a Wireless Communication Facility (WCF) – 60' monopole stealth designed pine tree in the R1-6 zoning district
Site Location: Located approximately 320' northwest of the northwest corner of Maryland Ave. and Sun Lakes Blvd. in the Sun Lakes area.
Commission Recommendation: On 4/7/16, the Commission voted 8-0 to recommend **approval** of **Z2015057** subject to conditions 'a' – 'h':

Provided the following conditions are met:

- a. Development of the site shall comply with the Site Plan entitled "Verizon Wireless PHO Sun Lakes", consisting of nine (9) full-size sheets, dated December 11, 2015, and stamped received February 8, 2016, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "SBA Communications and Verizon Wireless – PHO-Sun Lakes Wireless Communications Facility – Maricopa County Case No. Z2015057," consisting of seven (7) pages, dated revised March 11, 2016, and stamped received March 11, 2016.
- c. The height of the wireless communication facility (tower, antennas and all attachments) shall be limited to 60'.
- d. A Minor Amendment will not be required to co-locate future carriers on the Wireless Communication Facility if the concealment element is maintained.
- e. The wireless communication tower shall retain the stealth properties as originally designed. Any damaged or missing fronds or branches shall be replaced within 60 days of such damage occurring.
- f. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, or upon termination of the use for a period of 90 days or more. All of the site improvements shall be removed within 60 days of such termination or expiration.

- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

4. Title: William Stead Property
Case #: **Z2016003**
Supervisor District: 5
Applicant/Owner: Tiffany & Bosco PA / William R Stead Separate Property Trust
Request: Zone Change from Rural-43 to C-2
Location: Approximately 1,260' west of the southwest corner of McDowell Road and 107th Avenue in the Avondale area
Commission
Recommendation: On 4/7/16, the Commission voted 8-0 to recommend **approval** of **Z2016003** subject to conditions 'a' – 'g':

Provided the following conditions are met:

- a. Development of the site shall comply with the Zoning Exhibit entitled "William Stead Project – Proposed Rezone from RU-43 to C-2", consisting of 1 full-size sheet stamped received February 23, 2016, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Z2016003 – William Stead Project – Proposed Rezone from RU-43 to C-2", consisting of 9 pages, dated stamped received February 23, 2016, except as modified by the following conditions.
- c. Development to include occupied buildings shall have sewer connection. Construction permits will not be issued without evidence of sewer connection.
- d. Future public water and sewer improvement plans must obtain Approval To Construct from Maricopa County Environmental Service Department.

- e. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- f. The applicant agrees to work with the City of Avondale regarding design of the pole cover for any off-site premise billboard sign(s).
- g. The applicant agrees to record a deed restriction on the property prohibiting certain uses such as travel trailer parks, adult-oriented facilities, thrift stores, self-storage facilities and uses permitted within the R-5 Multi-Family Residential Zoning District.

REGULAR AGENDA

5. Title: Partners Animal Institute, Inc.
Case #: **Z2015068**
Supervisor District: 3
Applicant/Owner: David Gulino, Land Development Services / Leighton Oosthuisen, Partners Animal Institute, Inc.
Request: Special Use Permit (SUP) to allow dog kennels, training and boarding facility in the Rural-43 zoning district
Location: Generally located 250 feet west of the northwest corner of Cave Creek Road and Forest Pleasant Place in the Cave Creek Area
Commission
Recommendation: On 4/7/16, the Commission voted 8-0 to recommend **approval** of **Z2015068** subject to conditions 'a' – 'j':

Provided the following conditions are met:

- a. Development of the site shall comply with the site plan entitled "Partners Animal Institute", consisting of 1 full-size sheet, dated March 2014, and stamped received February 17, 2016, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Partners Animal Institute", consisting of 6 pages, dated December 2015 and stamped received February 17, 2016 except as modified by the following conditions.
- c. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors or for a period of 90 or more consecutive days after termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- d. The applicant/owner shall submit a written report outlining the status of the development at the end of 5 years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved conditions.

- e. Within 90 days of approval for the Special Use Permit, the applicant shall provide record to Maricopa County Environmental Services (MCESD) that the septic system can accommodate up to 24 employees or obtain approval by MCESD for a septic system that would provide adequate capacity.
- f. The owner shall apply for building permits for all existing structures. The owner shall receive final inspections on all existing structures from Planning and Development within one year from Board of Supervisors approval of Z2015068.
- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- h. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.
- j. The parking area shall be paved or topped with a dust-proofing material acceptable to Maricopa County Department of Air Quality.

- 6. Title: Accessory Recreational Structures (Cont. from 4/20/16)
Case #: **TA2015004**
Supervisor District: All
Applicant: Commission-initiated
Request: Text Amendment to the Maricopa County Zoning Ordinance, Articles 501.2 & 601.2
Commission Recommendation: On 3/24/16, the Commission voted 7-0 to recommend **approval** of **TA2015004**
- 7. Title: Subdivision Assurances (Cont. from 4/20/16)
Case #: **TA2015005**
Supervisor District: All

Applicant: Commission-initiated
Request: A text Amendment to the Maricopa County Subdivision Regulations (MCSR) and the Maricopa County Subdivision Regulations Administrative Guidelines (MCSRAG) regarding Subdivision Assurance

Commission Recommendation: On 3/24/16, the Commission voted 7-0 to recommend **approval** of **TA2015005** with inclusion of 'g' to 203.2.i.2.E.:

g. Or other form of assurance as deemed appropriate by the Director of Planning and Development Department in consultation with the County Engineer.